

November 17,2004

To:

Marlene H. Dortch, Secretary
Federal Communications Commission
Office of the Secretary
236 Massachusetts Avenue N.E.
Suite 110
Washington, DC 20002

Re: Directv service to Hawaii and Alaska: MB Docket NO. 03-82

Dear Ms. Dortch

I am writing you regarding the continued actions by Directv to deny Hawaii with programming and the unfair treatments to its customers and dealers.

History:

I have been a dealer for Directv here in Hawaii since April 2000 and have tried my best to sell this service with the limitations placed on Hawaii by Directv. For the first four years Directv said that they did not have the capacity to give Hawaii a basic package which turned out no to be true. At the beginning of this year I was told by Directv that they were planning to give us the basic packages and would be supplying the local dealers here in Hawaii with the equipment so that we could sell at the same price as the mainland.

I was also told that we would be paid for installations and receive some co-op advertising.

I thought this was great news and worked with the Hawaii representative for months to make this happen.

Continuing problems with Directv:

Because Directv had not setup the distribution center in Hawaii I sold systems just above cost and was relying on the installation payment to make a profit. To-date I still have not been paid for installation from May of 2004 and Directv has not resolved this issue.

When I go to their web site to enter customer information I get the message" Directv is currently not available in HI". Attachment: (no dtv HI. Jpeg)

I contacted Directv again about this problem in October 2004 and was told that it was resolved in April 2004

On June first 2004 Directv replaced the 119 satellite with DTV-7S. With the new satellite in service the signal went down to the point that the 18" recommended dish would not work in Hawaii and required at least a 30" dish. I received a lot of calls from customers complaining about no signal and wanted it fixed.

I contacted Directv and told them I was willing to install the dishes for free if Directv would supply them. I was told by Directv " **Well, he can want all he wants but we are not Santa Claus and it's not his birthday.**"

A few days later I received another email from Directv. "**It is being resolved as we speak. At the very least you will be receiving the dishes to replace current dishes**"

I have never received any dishes from Directv and most of these customers lost their service.

Networks:

Directv has distant Networks available here in Hawaii but has refused to allow most customers to buy them. I have a customer that was told by Directv if he applied for the waiver they would turn the networks on. After three months getting the waivers Directv turned on the networks. A few weeks later when this customer lost signal from the 119 satellite he called Directv to complain about the loss of signal, Directv noticed he was receiving distant networks and told him that they would have to turn them off because Directv cannot sell them. Directv did turn off the networks and is still waiting for the free dish from Directv of the 119 satellite five months later.

If you check the Directv site for distant network this customer does qualify for the networks but Directv refuses to turn them on.

Equipment Distribution

Ten months after Directv would set up a warehouse for dealers in Hawaii with the equipment to sell at the same cost as the mainland, nothing has happen. What did happen is Directv is supplying their installation company Ironwood Comminations with all the equipment for free in Hawaii.

When I contacted Directv they said.

"Remember that Ironwood is not a dealer we are subsidizing. They are the HSP of record in Hawaii. If we were subsidizing their hardware and not yours, it seems to me it would not be a fair business practice. Ironwood is receiving the hardware to make DIRECTV, Inc. installations, not to into business for themselves"

I contacted Directv about why they were listing Ironwood Communications as a dealer in Hawaii and they would not respond to this issue.

Dealers

In the latest Directv filing dated 11/9/2004 Directv tries shows Hawaii as having dealers by showing a dealer from the 96746 zip code. This is on the Island of Kauai and is listed because IronWood does not have address there yet. I have been listed as a dealer here in Hawaii up until about two weeks ago when they removed myself Dish Hawaii and Pahoia Satellite from the online list and call in number. Document below:

Directv is now listing only Ironwood Communications as the only dealer for Hawaii, even though Directv says Ironwood is not a dealer in Hawaii. These actions are deliberate and in combination with failing to pay for installs, advertising and failure to supply equipment to sell Hawaii customers has made it to impossible compete against Directv selling Directv product.

This is the shell game Directv plays. They say one thing while doing another.

(Attachments dealerlocation 904, dealerlocation 1104)

Direcway Satellite Internet

Directv which also owns the Direcway satellite Internet service has refused to list Hawaii as a location that is serviced by them knowing that I am a certified Direcway here in Hawaii. Even when I set up an account for service here in Hawaii, Direcway sends out confirmation e-mail to the new customer notifying them that service is not available in Hawaii even after I set up the account.

Conclusion:

For over five years Directv has done everything possible to deny Hawaii with a reasonable service and should have serious administrative and all legal actions done against them. This company is one of the worst examples of extreme greed and bad business practices in Hawaii and the USA

I am sure at some point in the future Directv will get us a competitive service, but they still have caused Hawaii great harm in the past five years. For the past five years I have tried to explain to customers from all Islands why Directv will not service us. My only conclusion is that they don't service us, because they don't have. Hopefully this will change soon.

Please pursue all legal actions against them.

Thanks

Bill Barker

Dish Hawaii
PO Box 10
Naalehu, HI. 96772


808-929-7233

Attachment:

No dtv Hi .doc Directv web site saying not available in Hawaii.

Dealerlocator 904.pdf: Directv web site listing Hawaii Dealers Dish Hawaii. Pahoia Satellite, Ironwood

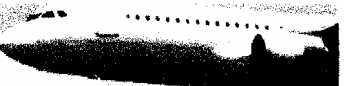
Dealerlocator 1104.pdf: Directv web site listing Hawaii Dealers only Ironwood Communications. Dish Hawaii & Pahoia Satellite removed



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CABLE CAN NEVER GO!



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You can buy your DIRECTV System from any of the authorized local dealers listed below:

IRONWOOD COMMUNICATIONS
851 LEILANI ST
HILO, HI 96720
(808) 848-1400
[Click here to see a map](#)

You can also:

[Buy your system online from DIRECTV](#)



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GET DIRECTV[Buy your system](#)**Local Dealers**

You can buy your DIRECTV System from any of the authorized local dealers listed below:

DISH HAWAII
94-6454 KAMAOA RD
NAALEHU, HI 96772
(808) 929-7233
[Click here to see a map](#)

PAHOA SATELLITE INC
15 - 113 KAMANU ST
PAHOA, HI 96778
(808) 965-8591
[Click here to see a map](#)

IRONWOOD COMMUNICATIONS
851 LEILANI ST
HILO, HI 96720
(808) 848-1400
[Click here to see a map](#)

You can also:

[Buy your system online from DIRECTV](#)

Communications

- > Current News & Events
- > Dealer Services
- > Promotions
- > Product Information
- > Search

Payment Management

- > Reports
- > Reconciliation

Sales Reporting

- > Report Sales
- > Edit Sales Order
- > View Sales History

Toolbox

- > Access Card Info
- > Marketing Order Pages
- > Customer Eligibility
- > Sales Help

Store Information

Store Name: DISH HAWAII Store Number: 6116
 Store Location: NAALEHU, HI DIRECTV ID: 1695425

Employee Information

Name: 9/24/2004
 Employee #:

Customer Information

Required fields are indicated by *

First Name * Last Name *

Install Address

Street *
 Apt #/Unit

